

Chapter 4

BILLS AND FEES, UNPAID

§ 4-1. Accrual of interest after certain time.

[HISTORY: Adopted by the Town of Sheffield 2-15-1989 Annual Town Meeting, Art. 3. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

§ 4-1. Accrual of interest after certain time.

Municipal bills and fees unpaid after thirty (30) days shall accrue interest at a rate at which interest may be charged under the provisions of M.G.L.A. C. 59, § 57.

Chapter 18

FINANCE COMMITTEE

§ 18-1. Formation; membership; terms; duties; compensation.

§ 18-2. Increase in membership.

[HISTORY: Adopted by the Town of Sheffield 3-3-1947 Annual Town Meeting, Art. 41.]¹

GENERAL REFERENCES

Receipt of budget -- See Form of Administration.

Disposal of town property -- See Ch. 40, Art. I.

Town Meeting -- See Ch. 52.

Treasurer -- See Ch. 55.

§ 18-1. Formation; membership; terms; duties; compensation.

The town adopts this chapter for the formation of a Finance Committee to consist of the Town Treasurer in an advisory capacity without voting power and three (3) other members to be appointed by the Moderator with the approval of the Selectmen within two (2) weeks following the Annual Town Meeting, one (1) member to be appointed for one (1) year, one (1) for two (2) years and one (1) for three (3) years and, hereafter, one (1) to be appointed annually for a three-year term, whose duties it shall be to approve or disapprove all appropriations and to make transfers from the reserve fund when needed. Said Committee is to serve without compensation.

§ 18-2. Increase in membership. [Added 5-12-1975 ATM, Art. 35]

The membership of the Finance Committee is hereby increased from three (3) members to five (5) members. The two (2) additional members shall be appointed initially one (1) for a one-year term and one (1) for a two-year term, and thereafter, when any of the members' terms expire, members shall be appointed for three-year terms.

Editor's Note: This Article was enacted in accordance with the provisions of M.G.L.A. C. 39, § 16.

Chapter 22

FOREST COMMITTEE

§ 22-1. Membership; terms; vacancies.

§ 22-2. Powers and duties.

[HISTORY: Adopted by the Town of Sheffield 3-3-1958 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

§ 22-1. Membership; terms; vacancies.

The Town Forest Committee, as established by vote of the town on March 4, 1957, shall consist of three (3) resident voters of the town who shall be appointed by the Board of Selectmen and who shall choose their own Chairman and who shall serve without compensation, one (1) member of said Committee to be appointed each year for a term of three (3) years, except when first appointed, one (1) shall be appointed for a term of three (3) years, one (1) for a term of two (2) years and one (1) for a term of one (1) year; and the Board of Selectmen shall fill any vacancies for unexpired terms by appointment for such unexpired terms as provided by M.G.L.A. C. 45, § 21.

§ 22-2. Powers and duties.

The Town Forest Committee shall have the management and care of such land as the town has acquired or may in the future acquire for use as town forest land and may arrange by contract or otherwise, without specific vote of the town, to cut and sell timber or other forest products derived from such town forest lands upon such terms as it deems proper to improve said lands and shall account to the Town Treasurer as to any receipts received from such sales, provided, nevertheless, that no expenditure shall be authorized nor any liability incurred by the Committee aforesaid until an amount sufficient to cover the estimated expense therefor shall have been appropriated; and all contracts made for expenditures in excess thereof shall be void.

Editor's Note: The town established within the town a town forest and authorized the Board of Selectmen of the town to appoint a Town Forest Committee at the 3-4-1957 Annual Town Meeting, Art. 30.

Chapter 25

HISTORICAL COMMISSION

§ 25-1. Establishment; purpose.

§ 25-2. Appointment of members.

[HISTORY: Adopted by the Town of Sheffield 3-5-1973 Annual Town Meeting, Art. 40. Amendments noted where applicable.]

GENERAL REFERENCES

Historic District and Commission -- See Ch. 121.

§ 25-1. Establishment; purpose.

The town establishes an Historical Commission under the provisions of M.G.L.A. C. 40, § 8D, for the preservation, promotion and development of the historical assets of the town.

§ 25-2. Appointment of members.

Members are to be appointed by the Selectmen.

Chapter 30

BOARD OF HEALTH

§ 30-1. Establishment; Purpose, Terms.

[HISTORY: Adopted by the Town of Sheffield 5-2-1994 Annual Town Meeting, Art. 14. Amendments noted where applicable.]

GENERAL REFERENCES

Election of members -- See Form of Administration.

§ 30-1 Establishment; Purpose, Terms.

There shall be a Board of Health for the purposes of and with the rights and duties provided by Massachusetts laws and regulations, to be composed of five (5) members to be appointed by the Board of Selectmen, three (3) of whom may be any or all of the members of the Board of Selectmen. The term for members of the Board of Health shall be for three years, except that for the initial appointment, two members shall be appointed for two years and one member shall be appointed for one year.

Chapter 37

PLANNING BOARD

§ 37-1. Establishment; powers and duties.

§ 37-2. Appointment of members; terms.

§ 37-3. Filling of vacancies.

[HISTORY: Adopted by the Town of Sheffield 3-2-1964 Annual Town Meeting, Art. 29. Amended 5-3-1993 Annual Town Meeting, Art. 29.]

GENERAL REFERENCES

Election of members -- See Form of Administration.

Zoning -- See Ch. 215.

§ 37-1. Establishment; powers and duties.

The town establishes a Planning Board of five (5) members under the provisions of M.G.L.A. C. 41, § 81A, with all of the powers and duties thereof.

§ 37-2. Appointment of members; terms.

Said five (5) members shall be appointed by the Selectmen within thirty (30) days, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years and thereafter, in accordance with the provisions of the statute, also one (1) member of the Planning Board shall be elected each year, whose term is to be for three (3) years, to replace the Board member whose term has expired.

§ 37-3. Filling of vacancies.

In the event of a vacancy occurring on the Board, a member will be appointed by the Selectmen until the next annual election, at which time a new member shall be elected to fill the unexpired term.



Chapter 40
PROPERTY, TOWN

ARTICLE I
Disposal

§ 40-1. Authorization; requirements.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-11-1981 Annual Town Meeting, Art. 37. Amendments noted where applicable.]

GENERAL REFERENCES

Finance Committee -- See Ch. 18.

§ 40-1. Authorization; requirements.

The Board of Selectmen is authorized to dispose, by sale or otherwise, of the town's tangible personal property and equipment which has become no longer serviceable or is obsolete, upon such terms and conditions as it shall deem proper in accordance with M.G.L.A. C. 40, § 21(11). Such sale is to be properly advertised.

Chapter 52
TOWN MEETINGS

ARTICLE I
Warrants

§ 52-1. Service; posting.

§ 52-2. Effective period.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 7-11-1935 Special Town Meeting, Art. 2. Amendments noted where applicable.]

§ 52-1. Service; posting.

Warrants for future meetings of the Town of Sheffield and for elections, given as provided by the General Laws, shall be served by one (1) of the constables or police officers of the town, to whom directed, and notices of said meetings shall be given by posting seven (7) attested copies of said Warrants in seven (7) different public places within the town seven (7) days at least before the time of said meetings.

§ 52-2. Effective period.

This Article is to remain in full force and effect until otherwise directed by legal vote of the town.

Chapter 55

TREASURER-COLLECTOR

§ 55-1. Authorization to act as Collector.

[HISTORY: Adopted by the Town of Sheffield 5-14-1990 Annual Town Meeting, Art. 8. Amendments noted where applicable.]

GENERAL REFERENCES

Establishment of office -- See Form of Administration.

Finance Committee -- See Ch. 18.

§ 55-1. Authorization to act as Collector.

The town establishes a bylaw authorizing the Treasurer-Collector to act as Town Collector under the provisions of M.G.L.A. C. 41, § 38A.

Chapter 59

ALARM SYSTEMS

§ 59-1. Definitions.

§ 59-2. Dialing devices; permits; limitations; compliance.

§ 59-3. Delay on transmission of signal; exceptions; compliance.

§ 59-4. Timing device required.

§ 59-5. Filing requirements.

§ 59-6. Permit required; fee; revocation.

§ 59-7. False alarms.

§ 59-8. Disconnection.

§ 59-9. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-12-1980 Annual Town Meeting, Art. 35. Amendments noted where applicable.]

GENERAL REFERENCES

Unpaid fees -- See Ch. 4.

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

§ 59-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALARM SYSTEM -- Any device which automatically dials the emergency telephone number of the Police and uses a pretaped or prerecorded message to alert the Police that an emergency exists or that the services of that Department or of the Fire Department are needed. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual or other response upon the occurrence of any hazard or emergency and which is intended to alert persons outside the building and/or any person who in turn notifies the Police and/or Fire Department to the existence of said hazard or emergency. The term shall also include fire alarms for the purposes of this chapter. **[Amended 5-9-1983 ATM, Art. 22]**

DIAL ALARM OR DIALING DEVICE -- Any fire or police alarm device which is a telephone device or telephone attachment which automatically or electronically selects a telephone line connected to police headquarters and/or the Fire Department and reproduces a prerecorded message to report a criminal act or other emergency requiring Police or Fire Department response.

FALSE EMERGENCY ALARM -- Any signal actuated by an emergency alarm to which the Police or Fire Department

responds which is not the result of fire, holdup, robbery or other crime emergency.

POLICE EMERGENCY NUMBER -- Any telephone number designated by the Chief of Police as a telephone number through which members of the public may report an emergency or request public assistance.

§ 59-2. Dialing devices; permits; limitations; compliance.

- A. All dialing devices operated by automatic means shall transmit messages only to such numbers as may be designated for that purpose by the Police and/or Fire Department of the town.
- B. After six (6) months following the effective date of this chapter, no person shall use, operate or install any device which will, upon activation by automatic means, initiate the dialing, calling or other connection with the Police and/or Fire Department of the town, either at its regularly constituted telephone number or any other number which may be designated by said Police or Fire Department as a police/fire emergency number, without a permit issued by the Board of Selectmen.
- C. No person shall use, operate or install any dialing device that will, upon activation, automatically dial, call or connect with the telephone number designated by the Chief of Police and/or Fire Chief for the purpose of receiving such alarm messages more than twice for any one (1) incident.
- D. Any system installed on or after the effective date of this chapter must comply with this chapter. Preexisting installations must comply within six (6) months of the effective date of this chapter.

§ 59-3. Delay on transmission of signal; exceptions; compliance.

- A. Upon the activation of a burglary (break-in) alarm, there shall be a mandatory delay of at least fifteen (15) seconds before the transmission of a signal to the Police Department to enable the user to abort the signal in the event that it was triggered inadvertently.
- B. This delay shall not be applicable to a robbery (holdup), fire or medical emergency alarm.
- C. Any system installed on or after the effective date of this chapter must comply with this section. Preexisting installations must comply within six (6) months of the effective date of this chapter.

§ 59-4. Timing device required.

The user of every alarm system emitting an audible, visual or other response as of the effective date of this chapter, in the case of existing systems, shall install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than fifteen (15) minutes.

§ 59-5. Filing requirements.

- A. The user of every alarm system maintained in the town, except those installed in motor vehicles, shall within ten (10) days of the installation thereof or within sixty (60) days of the enactment of this chapter, file the following information with the Police Department of the town:
 - (1) The type of alarm system.
 - (2) The street address and the nearest cross street of the building which houses the alarm.
 - (3) In the case of a commercial premises, the name, address and telephone number of an authorized representative and/or an alternate who will be able to respond when called by police to deactivate the alarm system, if necessary.
 - (4) In the case of a private residence, the name, address and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system. An external shutoff to the alarm system shall be available to the Police Department to deactivate the alarm.
- B. Such filing requirements are not applicable to all alarm systems, whether the same are or are not directly connected to the Police and/or Fire Department or are merely audible alarms. Such filing must be made within the time period specified above even though there shall have been previous notification of the existence of such alarm systems to the Police and/or Fire Department or other department of the town.

§ 59-6. Permit required; fee; revocation.

- A. The Board of Selectmen is hereby authorized to grant a revocable permit to any owner, lessee or occupant of property located in the town to operate, maintain, install or modify a police or fire alarm device, and no such device shall be operated unless such permit shall have first been issued.

- B. The Board of Selectmen shall charge a fee of twenty-five dollars (\$25.) for the issuance of such permits, which are to be renewed annually. Permits will expire on December 31 of each year. **[Amended 5-9-1983 ATM, Art. 22; 5-14-1990 ATM, Art. 28]**
- C. Revocation.
- (1) A permit issued pursuant to this chapter may be revoked at any time or from time to time by the Board of Selectmen upon the giving of ten (10) days' notice, in writing, by registered or certified mail, to the permittee, sent to the address shown on the permit.
 - (2) The violation of this chapter shall constitute grounds for the revocation of the permit.

§ 59-7. False alarms. [Amended 5-9-1983 ATM, Art. 22; 5-14-1990 ATM, Art. 28]

After the issuance of a permit, a fee will be charged for response to the building/residence in which an alarm malfunction or alarm activation is caused by the occupant or persons having control of the building/residence. A fee of twenty dollars (\$20.) will be charged for the first response, thirty dollars (\$30.) for the second response and forty dollars (\$40.) for the third response when responding to a burglar alarm. A fee of twenty dollars (\$20.) will be charged for the first response, forty dollars (\$40.) for a second response and sixty dollars (\$60.) for a third response by the Fire Department to an alarm malfunction or accidental activation. The Police Chief and/or Fire Chief or senior officer to an alarm response will determine whether the alarm was a malfunction by the alarm system or accidental activation. After the third response within a twelve-month period, the permit shall be revoked by the Board of Selectmen until the alarm system has been recertified by a reputable installer of alarms.

§ 59-8. Disconnection.

In the event that an alarm system emitting an audible, visual or other similar response shall fail to be deactivated within the time limitation specified in § 59-4 above, the town shall have the right to take such action as may be necessary in order to disconnect any such alarm.

§ 59-9. Violations and penalties.

Any person operating an alarm system without a permit from the Board of Selectmen violates the provisions of this chapter and shall be subject to a fine of fifty dollars (\$50.) for each offense.

Chapter 63
ANIMALS
ARTICLE I
Dogs Running at Large

§ 63-1. Restraint authorized.

§ 63-2. Enforcement; violations and penalties.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 3-4-1968 Annual Town Meeting, Art. 32. Amendments noted where applicable.]

GENERAL REFERENCES

Hunting -- See Ch. 126.

§ 63-1. Restraint authorized.

The town authorizes the Board of Selectmen to restrain dogs from running at large during such time as may be prescribed by order of said Board.

§ 63-2. Enforcement; violations and penalties. [Amended 5-9-1983 ATM, Art. 24; 5-14-1984 ATM, Art. 22; 5-14-1990 ATM, Art. 29]

After said order shall be published three (3) times in a newspaper published in the County of Berkshire and having circulation in the Town of Sheffield, the Selectmen may issue such order to a dog officer or policeman of the town, who shall, after twenty-four (24) hours from the last publication of such notice, bring the owner or keeper of such dog or dogs into the court having jurisdiction thereof for a violation of such order. If found guilty, such owner or keeper may be fined not more than twenty-five dollars (\$25.) for an unlicensed dog. Fines for unrestrained dogs are established at fifteen (\$15.) for the first offense and twenty-five dollars (\$25.) for the second offense.

Chapter 72
BUILDINGS, NUMBERING OF

§ 72-1. Uniform system adopted.

§ 72-2. Use of system required; completion of conversion.

§ 72-3. Front entrance to determine number; multiple entrances.

§ 72-4. Posting of numbers.

§ 72-5. Maintenance and enforcement of system; numbers for new buildings.

§ 72-6. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-6-1991 Annual Town Meeting, Art. 8. Amendments noted where applicable.]

§ 72-1. Uniform system adopted.

A uniform system of numbering dwellings and principal buildings, as shown on maps to be on file with the Selectmen's office, Town Hall, Sheffield, Massachusetts, is hereby adopted and incorporated herein by reference.

§ 72-2. Use of system required; completion of conversion.

All properties or parcels of land within the corporate limits of Sheffield shall hereafter be identified by reference to the uniform numbering system adopted herein, and conversion to such numbering system must be completed within sixty (60) days from the effective date of this chapter.

§ 72-3. Front entrance to determine number; multiple entrances.

- A. Each building shall bear the number assigned to the frontage on which the front entrance is located.
- B. In case a building is occupied by more than one (1) business or dwelling unit, each separate front entrance of such building shall bear a separate number.

§ 72-4. Posting of numbers.

Numerals indicating the official numbers for each building or each front entrance to such building shall be placed immediately above, on or at the side of the main entrance of each building so that the number can be seen clearly from the street line. If a building is situated more than fifty (50) feet from a street line, the number shall be placed near the driveway or common entrance to the building or upon a gate post, fence, tree, post or other appropriate place so as to be clearly discernible from the street line. Numerals shall be not fewer than three (3) inches in height and made of a durable and clearly visible material.

§ 72-5. Maintenance and enforcement of system; numbers for new buildings.

- A. The Board of Selectmen shall be responsible for maintaining the numbering system and shall keep a record of all numbers assigned under this chapter and shall enforce the provisions of this chapter.
- B. The Board of Selectmen shall, at the request of a property owner, assign numbers for any new buildings constructed in town in accordance with §§ 72-1 and 72-2 of this chapter.

§ 72-6. Violations and penalties.

Violation of this chapter shall be a misdemeanor and may be punished by a fine of one dollar (\$1.) per day. Each separate day that such violation is continued shall constitute a separate offense. This chapter may be enforced pursuant to the provisions of M.G.L.A. C. 40, § 21D.

Chapter 77

BURNING, OUTDOOR

§ 77-1. Burning of leaves near public highways.

§ 77-2. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 3-2-1970 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

§ 77-1. Burning of leaves near public highways.

No burning of leaves shall be permitted within fifty (50) feet of a public highway.

§ 77-2. Violations and penalties.

Whoever violates this proviso shall be punished by a fine not exceeding twenty dollars (\$20.).

Chapter 89
COMMUNITY RESIDENCES

§ 89-1. Definitions.

§ 89-2. Number of residents limited.

§ 89-3. Yard requirements.

§ 89-4. Off-street parking.

§ 89-5. Special permit required; public hearing; required information.

[HISTORY: Adopted by the Town of Sheffield 5-10-1982 Annual Town Meeting, Art. 27. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses -- See Ch. 132.

Zoning -- See Ch. 215.

§ 89-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMUNITY RESIDENCE or GROUP HOME -- A residential facility which is designed to house five (5) or more persons under supervision and licensed by the appropriate agency of the Commonwealth of Massachusetts.

§ 89-2. Number of residents limited.

The number of residents, including live-in staff, in all group homes shall not exceed in total one percent (1%) of the population of the town as determined by the most recent federal census.

§ 89-3. Yard requirements.

A community residence or group home housing five (5) persons must have frontage of at least one hundred (100) feet, setback of at least fifty (50) feet and side lines of at least fifty (50) feet. Side lines shall be increased five (5) feet for every individual beyond five (5) living in the facility.

§ 89-4. Off-street parking.

There shall be ample off-street parking to accommodate the staff and guests of the facility.

§ 89-5. Special permit required; public hearing; required information.

A community residence or group home shall be authorized only by special permit issued by the Board of Selectmen after a public hearing duly called and held with written notice to the abutters, at which hearing the applicant for a community residence or group home shall submit an informational statement including the following:

- A. The probable effect of attendance at public school.
- B. The increase in vehicular traffic.
- C. Changes in numbers of legal residents.
- D. The increase in municipal service and usage costs.
- E. The effect on public utilities.
- F. The requirements of fire and police protection.
- G. Changes in tax revenue.
- H. A list of all required licenses and permits.
- I. Compliance with Title V, General Laws, Chapter 21A (State Environmental Code).
- J. The impact on quality of and/or character of neighborhood.

Chapter 102

EXCAVATIONS

- § 102-1. Permit required for certain operations.
- § 102-2. Board of Selectmen to be permit-issuing body; procedure.
- § 102-3. Operations exempt from permit requirements.
- § 102-4. Violations and penalties.
- § 102-5. Application for permit.
- § 102-6. Performance bond or security required.
- § 102-7. Responsibility of Board of Selectmen.
- § 102-8. Additional information may be required.
- § 102-9. Imposition of conditions.
- § 102-10. Inspection of operation.
- § 102-11. Standards of operation.
- § 102-12. Restoration.
- § 102-13. Duration of permit; renewal.
- § 102-14. Transferability of permits.
- § 102-15. Revocation of permit.
- § 102-16. Rules and regulations.
- § 102-17. Severability.

[HISTORY: Adopted by the Town of Sheffield 5-6-1991 Annual Town Meeting, Art. 10. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

Driveways -- See Ch. 181, Art. I.

Wells -- See Ch. 210.

Zoning -- See Ch. 215.

§ 102-1. Permit required for certain operations.

No person, firm or corporation shall excavate in any one (1) year more than thirty (30) cubic yards of soil, sand, gravel, stones or other earth material from any land in the town without first obtaining a permit from the Board of Selectmen as provided in the following sections.

§ 102-2. Board of Selectmen to be permit-issuing body; procedure.

A permit shall be granted only by an affirmative vote of a majority of the Board of Selectmen. Upon receipt of an application for a permit for removal of earth from any land, the Board shall appoint a time and a place for a public hearing, not later than forty-five (45) days after receipt of a completed application, notice of which shall be given to the applicant. The Board's decision shall be issued within ninety (90) days of receipt of the completed application.

§ 102-3. Operations exempt from permit requirements.

A. A permit shall not be required under this chapter for the following:

- (1) Excavation incidental to the construction of buildings or other accessory uses and expansions thereto for which all permits required by the town bylaws and state building codes have been issued; nor the installation of walks, driveways, septic systems or swimming pools; nor the removal of spoils from any pond approved by the Sheffield Conservation Commission, provided that the quantity of material removed does not exceed the quantity of material displaced.
- (2) Excavation in the course of customary agricultural use of land for a farm, garden or nursery; this does not permit removal of soil, sand, gravel, stones or other earth material for profit.
- (3) Any and all earth removal operations in existence as of the passage of this chapter which have received a local permit under M.G.L.A. C. 111, § 143.
- (4) Operations already underway as of the adoption of this chapter, but only to the extent that land has already

been appropriated to the use. After passage of this chapter, a total excavation area not to exceed four (4) acres shall be allowed without a permit if the following conditions are met:

- (a) The operator must agree, in writing, to restoration of the area excavated after passage of this chapter, proximating where possible the guidelines set forth in this chapter.
 - (b) The operator must file a description of the operation with the Town Clerk within ninety (90) days of the passage of this chapter. The description must include, at a minimum, an accurate representation of the boundaries of the parcel, the dimensions of the active operation and its location on the parcel. Failure to file within the prescribed period will be considered a violation. Said failure may result in termination of the operation, and no further work may be done until a permit has been issued as required in this chapter.
- (5) Excavation in compliance with the specific requirements of an approved subdivision plan.
- (6) Excavation in the normal use of a cemetery or a town park.
- B. Any and all earth removal and/or permanent screening and washing operations in existence as of the passage of this chapter are exempt from this chapter.

§ 102-4. Violations and penalties.

Penalties for violation of this chapter shall be fifty dollars (\$50.) for the first offense; one hundred dollars (\$100.) for the second offense; and two hundred dollars (\$200.) for every further offense. Each day in which a violation occurs constitutes a separate offense.

§ 102-5. Application for permit.

An application for an earth removal permit must be submitted, in writing, to the Town Clerk's office; and it must contain an accurate description of the portion of land in which the excavation will take place, state the purpose of the excavation, include the application fee and include plans submitted by a registered surveyor or engineer providing the following information:

- A. Property lines, along with the names and addresses of all abutters and property owners within three hundred (300) feet of the property, including those across any street or way.
- B. The existing grades, at ten-foot (or closer) contour intervals, of the area from which the material is to be removed and of surrounding areas within one hundred (100) feet of the removal operations. This plan shall show all structures, vegetative cover, average topsoil depth, natural waterways and wetlands within one hundred (100) feet of operations, roads and access to operations. (The plan may be an enlargement of the most recent United States Geological Survey topographical map of the area showing the property lines of the parcel and all of the information listed above.)
- C. Natural features such as wetlands, the one-hundred-year-floodplain, ground cover and surface water locations and groundwater levels. Water table elevation shall be determined by test pits and soil borings during spring high water. A log of soil-boring results shall be included, taken to the depth of the proposed excavation, congruent with the size and geological makeup of the site.
- D. A topographical map showing drainage facilities, final grades and proposed vegetation and trees.
- E. An erosion and sediment-control plan.
- F. The amount and source of proposed restoration materials.

§ 102-6. Performance bond or security required.

The Board of Selectmen shall require, as a condition of granting the permit, that the applicant furnish a performance bond or other security satisfactory to the Board in an amount sufficient to insure satisfactory performance of the requirements of this chapter and of such other conditions as may be imposed in the permit. The security shall not be released until the surveyor or engineer has filed with Board an as-built plan and has also certified that the restoration has been completed in compliance with the permit approval and the approved plans.

§ 102-7. Responsibility of Board of Selectmen.

The Board of Selectmen shall exercise its powers with due regard to:

- A. The health, safety and general welfare of the inhabitants of the town.
- B. The detriment to the neighborhood.
- C. The effect on natural resources, including but not limited to the recharge of the water table or the condition of the surface water.

§ 102-8. Additional information may be required.

The Board of Selectmen may require as a prerequisite for approval information regarding and relevant to methods of removal; type and location of structures; hours of operation; area, location and depth of excavation; steepness of slopes; drainage; disposition of boulders and stumps; site reclamation; and plantings.

§ 102-9. Imposition of conditions.

The Board of Selectmen may impose conditions, including but not limited to requirements for landscaping, screening, fencing and/or other barriers to provide against nuisances and hazards to the public safety and welfare and to protect the area.

§ 102-10. Inspection of operation.

Every permit shall provide for the inspection of the operation at any reasonable time by the Board of Selectmen or its designated agent(s) to determine if the conditions of the permit are being enforced.

§ 102-11. Standards of operation.

The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under § 102-9.

- A. No excavation not intended for approved building purposes nor any other activity or building will be within fifty (50) feet of an existing public way or an adjacent property line and at not closer than one hundred fifty (150) feet to any dwelling.
- B. All applicants must comply with the requirements of the Wetland Protection Act.
- C. No area shall be excavated so as to cause accumulation of freestanding water. Permanent drainage shall be provided in accordance with current conservation practices. Runoff shall not lead directly into streams or ponds.
- D. No excavation may occur within four (4) feet above the annual spring high-water table, as established from test pits or soil borings. The spring high-water table shall be established at a time and location determined by the Board of Health from a test pit or well and the level related to a permanent monument on the property. Observation well(s) shall be monitored for one (1) year to establish this elevation, with periodic reports supplied by a hydrologist, as may be required by the Board of Health. The information shall be recorded on the topographic plan and on the permanent monument on the property.
- E. All topsoil and subsoil to be used for restoration which is stripped from operations areas shall be stockpiled and seeded with an erosion-control seed mixture.
- F. The active excavation operation area shall not exceed a total of six (6) acres at any one (1) time. Natural vegetation shall be left in place and maintained on undisturbed land for screening and noise reduction purposes.
- G. Operation hours shall be only between 7:00 a.m. and 5:00 p.m., Monday through Saturday, excluding legal holidays defined as New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. Trucks and/or equipment may enter and leave the premises only within such hours.
- H. Trucking routes and methods shall be subject to the approval of the Chief of Police.
- I. All access roads shall be treated with suitable material to reduce dust and mud.
- J. Access roads shall be constructed at an angle to the public way or with a curve so as to maximize screening of the operation from public view.
- K. The permit holder shall clean up any spillage on public ways. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing.

- L. Crushing and washing operations and permanent screening operations shall not be permitted unless the operation(s) were in existence as of passage of this chapter.

§ 102-12. Restoration.

Every permit shall further state that restoration shall be carried out according to the plans submitted, the conditions of approval and the following minimum conditions:

- A. Restoration shall be carried on simultaneously with excavation so that when any six-acre area has been excavated, at least two (2) acres shall be restored before work (including building haul roads) commences on the additional acreage. Final restoration of the entire project shall be complete within thirty (30) days after expiration or withdrawal of a permit or within nine (9) months of cessation of operations.
- B. No slope shall be steeper than two to one (2:1).
- C. All debris, stumps, boulders, etc., shall be disposed of in accordance with state and local regulations.
- D. Retained subsoil and topsoil shall be spread over the disturbed area to a minimum depth of four (4) inches. In areas where the original conditions were less than four (4) inches, retained subsoil and topsoil shall be spread over the disturbed area to a minimum depth of the original condition.
- E. An erosion plan shall be submitted to the Board of Selectmen addressing issues, including but not limited to vegetation type, erosion barriers and fertilizer. Trees and/or shrubs of suitable species to provide screening and to reduce erosion during the establishment period may also be required.
- F. Upon compliance of the operation, the land shall be left so that natural storm drainage leaves the property at the original natural storm drainage points and so that the area of drainage to any one (1) point is not increased.
- G. All equipment, temporary buildings and temporary structures shall be removed from the property.

§ 102-13. Duration of permit; renewal.

- A. No permit shall be issued for a period of more than three (3) years. The permit issued under the provisions of this chapter shall expire on the completion date specified on the permit issued.
- B. Permit renewal requests must be submitted, in writing, to the Town Clerk's office at least thirty (30) days prior to the expiration date of the current permit. Permits may be renewed without a public hearing after a site inspection by the Board of Selectmen determines that the operation is complying with the provisions of this chapter and the conditions imposed on the current permit. The Board of Selectmen shall review the performance bond or security furnished to the town and may require a change to assure that the amount is sufficient to secure performance as required by this chapter and by the conditions imposed on the current permit.

§ 102-14. Transferability of permits.

Earth removal permits may be transferable only after approval by the Board of Selectmen.

§ 102-15. Revocation of permit.

The Board of Selectmen may revoke any permit which it has issued for good cause, provided that it shall offer to the operator an opportunity for a hearing within fourteen (14) days after written notice of the violation.

§ 102-16. Rules and regulations.

The Board of Selectmen may establish rules and regulations to implement this chapter, including a permit application fee schedule, and may charge an amount to be determined by the Board to cover the permit application process and for an annual license fee.

§ 102-17. Severability.

This chapter and the various parts, sentences and clauses thereof are hereby declared to be severable. If any part, sentence or clause is judged to be invalid, it is hereby provided that such judgment not affect the validity of the remaining portion hereof.

Chapter 116

HAZARDOUS MATERIALS

ARTICLE I Radioactive Waste

§ 116-1. Collection, treatment, storage, burial, incineration or disposal prohibited.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-10-1982 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste -- See Ch. 176.

Water Supply Protection District -- See Ch. 215.

§ 116-1. Collection, treatment, storage, burial, incineration or disposal prohibited.

No land in the Town of Sheffield, Massachusetts, may be used for collection, treatment, storage, burial, incineration or disposal of radioactive waste, including but not limited to waste classified as low-level radioactive waste.

Chapter 121 HISTORIC DISTRICTS AND COMMISSIONS

Part 1 Ashley Falls

ARTICLE I General Provisions

§ 121-1. Statutory authority.

§ 121-2. Purpose.

§ 121-3. Alteration and construction of buildings in district.

§ 121-4. Severability.

§ 121-5. Conflicts with other laws.

ARTICLE II District Boundaries

§ 121-6. Establishment.

§ 121-7. Alteration of lines; creation of new districts.

ARTICLE III Historic District Commission

§ 121-8. Membership.

§ 121-9. Terms; alternates; compensation; officers.

§ 121-10. Meetings; quorum; majority vote required on certain matters.

§ 121-11. Powers and duties.

§ 121-12. Limitations.

ARTICLE IV Definitions; Administration; Enforcement

§ 121-13. Terms defined.

§ 121-14. Application for certificate.

§ 121-15. Public hearings; determination.

- § 121-16. Certificate of appropriateness.
- § 121-17. Certificate of nonapplicability.
- § 121-18. Certificate of hardship.
- § 121-19. Filing of certificate and disapprovals.
- § 121-20. Certificates required for issuance of permits.
- § 121-21. Enforcement.
- § 121-22. Violations and penalties.

ARTICLE V Appeals

- § 121-23. Filing; decision.

ARTICLE VI Amendments

- § 121-24. Procedure to be followed.

Ashley Falls Historic District Boundaries

[HISTORY: Adopted by the Town of Sheffield: Part 1, 5-8-1988 Annual Town Meeting, Art. 24. Amendments noted where applicable.]

GENERAL REFERENCES

Historical Commission -- See Ch. 25.
Signs -- See Ch. 168.
Zoning -- See Ch. 215.

Part 1 Ashley Falls [Adopted 5-8-1988 ATM, Art. 24]

ARTICLE I General Provisions

- § 121-1. Statutory authority.

This Part 1 is enacted by the Town of Sheffield under the authority of Chapter 40C of the Massachusetts General Laws, hereinafter referred to as the "Historic Districts Act."

- § 121-2. Purpose.

The purpose of this Part 1 is to promote the educational, cultural, economical and general welfare of the public through the preservation and protection of the distinctive characteristics of the buildings and places significant in the history of Ashley Falls or significant for their architecture and the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

- § 121-3. Alteration and construction of buildings in district.

Buildings or structures within the Ashley Falls Historic District shall not be constructed or altered in any way that affects exterior architectural features unless the Ashley Falls Historic District Commission shall have issued a certificate in accordance with §§ 121-16 through 121-18 hereof or unless such construction or alterations are exempt from review in accordance with § 121-12, Limitations, hereof.

- § 121-4. Severability.

The provisions of this Part 1 shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

- § 121-5. Conflicts with other laws.

A. In case of any conflict between wording of this text and the Massachusetts General Laws, the Massachusetts General Laws shall govern.

B. Where this Part 1 imposes a greater control upon setback or other external features than is imposed by other bylaws of the Town of Sheffield, the provisions of this Part 1 shall govern.

ARTICLE II District Boundaries

§ 121-6. Establishment.

The location, boundaries and extent of this Ashley Falls Historic District are hereby established as shown on a plan entitled "Historic District Plan of the Village of Ashley Falls," which plan is incorporated herein by reference.¹ Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be fixed and determined by the Ashley Falls Historic District Commission.

§ 121-7. Alteration of lines; creation of new districts.

The district may be enlarged or reduced or additional historic districts may be created in accordance with the Historic Districts Act, Section 3.²

ARTICLE III Historic District Commission

§ 121-8. Membership.

The Ashley Falls Historic District Commission shall consist of five (5) members and two (2) alternate members appointed by the Board of Selectmen. The majority of members must be residents of or property owners in the district. Not more than one (1) member may be a nonresident or nonproperty owner of Sheffield. The Commission shall include, if possible, one (1) member from two (2) nominees submitted by the Sheffield Historical Society, one (1) member from two (2) nominees submitted by the Board of Realtors covering the area and one (1) member from two (2) nominees submitted by the Chapter of the American Institute of Architects covering the area. If within thirty (30) days of submission of a written request for nominees to an organization entitled to submit nominations for membership on the Commission no such nominations have been made, the Board of Selectmen may proceed to make an appointment to the Commission without nomination by such organization.

§ 121-9. Terms; alternates; compensation; officers.

- A. The appointments to membership in the Commission shall be arranged so that the term of the member nominated by the Board of Realtors and the term of the member nominated by the American Institute of Architects shall originally be for a period of one (1) year. The term of the member nominated by the Sheffield Historical Society and the term of one (1) member at large shall originally be for a period of two (2) years, and the term of the remaining member at large shall be for a period of three (3) years. Thereafter, all appointments shall be for periods of three (3) years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Alternates shall be appointed annually.
- B. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the Commission, the member's place shall be taken by an alternate member designated by the Chairman.
- C. Each member and alternate shall continue in office after expiration of the member's or the alternate's term until a successor is duly appointed and qualified.
- D. All members shall serve without compensation.
- E. The Commission shall elect annually a Chairman and a Vice Chairman from its own number and a Secretary from within or without its number.

§ 121-10. Meetings; quorum; majority vote required on certain matters.

- A. Meetings of the Commission shall be held at the call of the Chairman or shall be called at the request of two (2) members of the Commission or in such other manner as the Commission shall determine in its rules.
- B. A majority of the members of the Commission shall constitute a quorum.

¹Editor's Note: The boundary description of the Ashley Falls Historic District is included at the end of this chapter. The Map depicting such boundaries is on file.

²Editor's Note: See M.G.L.A. C. 40C, ~ 3.

- C. The concurring vote of a majority of the members of the Commission present shall be necessary to issue a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship.

§ 121-11. Powers and duties.

- A. In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture and material of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area. In case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size, scale and shape of the same in relation to the land area upon which the building or structure is situated to adjacent buildings and structures and to buildings and structures in the surrounding area.
- B. The Commission may, in appropriate cases, impose dimensional and setback requirements in addition to those required by applicable bylaws.
- C. The reconstruction of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster should be begun within one (1) year and carried forward with due diligence. Before reconstruction, a certificate of appropriateness must be obtained from the Commission.
- D. The Commission may determine, from time to time, after public hearing, that certain categories of exterior architectural features or structures may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this chapter.
- E. The Commission may, after public hearing, set forth in such a manner as it may determine materials and appurtenances which will meet the requirements of an historic district, but no such determination shall limit the right of the applicant to present other designs or colors to the Commission for its approval.
- F. The Commission shall require appropriate drawings to show the nature and extent of proposed construction or alterations.
- G. The Commission may, subject to appropriations, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work and may accept money gifts and expend the same for such purposes. The Commission may administer on behalf of the town any properties or easements or restrictions or other interests in real property which the town may have or may accept as gifts or otherwise and which the town may designate the Commission as the administer thereof.
- H. The Commission shall have, in addition to the powers, authority and duties granted to it by this chapter, such other powers, authority and duties as may be delegated or assigned to it, from time to time, by vote of a Town Meeting.
- I. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein and may adopt and amend such rules and regulations not inconsistent with the provisions of the Historic District Act³ and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.

§ 121-12. Limitations.

- A. The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the district.
- B. The Commission shall not extend its review to:
- (1) Ordinary repair, maintenance or replacement of any exterior feature which does not result in change of design, material or exterior appearance thereof.
 - (2) Landscaping, except where made a condition of granting a certificate.
 - (3) Interior arrangements.
 - (4) Architectural features not subject to public view from an elevation of five (5) feet from public ways within the district when deciduous foliage is off.
 - (5) Temporary signs, banners or placards nor temporary events, such as art shows, church fairs or bazaars nor temporary structures approved by special permission of the Selectmen.
 - (6) Temporary structures or seasonal decorations which are removed within thirty (30) days of installation.

³Editor's Note: Chapter 40C of the Massachusetts General Laws.

- (7) Painting or paint color, unless the existing color is to be changed.
- (8) Storm doors, screen doors, storm windows or window screens.
- (9) Air conditioners installed in existing openings.
- (10) Replacement of roofing materials, provided that the appearance of the new material is substantially similar to the existing in color and texture.
- (11) Resurfacing of sidewalks, terraces, driveways or parking areas if the appearance of the new material is substantially similar to the old in texture and color.
- (12) Any construction or alteration under a permit duly issued prior to the effective date of this Part 1.
- (13) Buildings or structures used for agriculture on a working farm, except that buildings on such farms used for personal residence are subject to Commission review.

ARTICLE IV **Definitions; Administration; Enforcement**

§ 121-13. Terms defined.

As used in this Part 1, the following terms shall have the meanings indicated:

ALTERED -- Includes the words "rebuilt," "reconstructed," "restored," "removed" and "demolished."

BUILDING -- A combination of materials forming a shelter for persons, animals or property.

COMMISSION -- The commission acting as the Ashley Falls Historic District Commission.

CONSTRUCTED -- Includes the words "built," "erected," "installed," "enlarged" and "moved."

DISTRICT -- The Ashley Falls Historic District.

EXTERIOR ARCHITECTURAL FEATURE -- Such portion of the exterior of a building or structure as is open to public view, including but not limited to the architectural style and general arrangement and setting thereof, the kind and texture of exterior materials and the type and style of windows, doors, lights and other exterior appurtenances.

STRUCTURE -- A combination of materials other than a building, including but not limited to a sign, fence, wall, terrace, walk, driveway, parking area or swimming pool.

§ 121-14. Application for certificate.

Any person who desires to obtain a certificate from the Commission shall file with the Commission an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including, in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

§ 121-15. Public hearings; determination.

- A. The Commission shall determine promptly and in all events within fourteen (14) days after the filing of an application for a certificate of appropriateness, a certificate of nonapplicability or a certificate of hardship, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves such features, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.
- B. The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before said hearing in such manner as it may determine and by mailing, postage prepaid, a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board of the town, to any person filing written request for notice of hearings, such request to be renewed yearly in December and to such other persons as the Commission shall deem entitled to notice.

- C. As soon as convenient after such public hearing, but in any event within sixty (60) days after filing of such application or within such further time as the applicant may allow, in writing, the Commission shall make a determination on the application. If the Commission shall fail to make a determination within such a period of time, the Commission shall thereupon issue a certificate of hardship.
- D. A public hearing on an application need not be held if such hearing is waived, in writing, by all persons entitled to notice thereof. In addition, a public hearing on an application may be waived by the Commission if the Commission determines that the change to the exterior architectural feature involved is so insubstantial in its effect on the historic district that it may be reviewed by the Commission without public hearing on the application; provided, however, that if the Commission dispenses with a public hearing on an application, notice shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby, as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

§ 121-16. Certificate of appropriateness.

If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district, the Commission shall cause a certificate of appropriateness to be issued to the applicant. In the case of disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If, within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

§ 121-17. Certificate of nonapplicability.

In the case of a determination by the Commission that an application for a certificate of appropriateness or for a certificate of nonapplicability does not involve any exterior architectural features or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with the provisions of Article III, the Commission shall cause a certificate of nonapplicability to be issued to the applicant.

§ 121-18. Certificate of hardship.

If the construction or alteration for which an application for a certificate of appropriateness has been filed shall be determined to be inappropriate or in the event of an application for a certificate of hardship, the Commission shall determine whether, owing to conditions especially affecting the building or structure involved but not affecting the district generally, failure to approve an application shall involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this Part 1. If the Commission determines that, owing to such conditions, failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation or in the event of failure to make a determination on an application within sixty (60) days after the filing of an application, the Commission shall cause a certificate of hardship to be issued to the applicant.

§ 121-19. Filing of certificate and disapprovals.

The Commission shall file with the Town Clerk and with the Building Inspector a copy or notice of all certificates and determinations of disapproval issued by it. Each certificate issued by the Commission shall be dated and signed by its Chairman or such other person designated by the Commission to sign such certificates on its behalf.

§ 121-20. Certificates required for issuance of permits.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within the district and no demolition permit for demolition or removal of a building or structure within the district shall be issued by the town or any department thereof until the certificate required by this Article has been issued by the Commission.

§ 121-21. Enforcement.

The Berkshire Superior Court sitting in equity shall have jurisdiction to enforce the provisions of this Part 1 and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the Board of Selectmen or of the Commission, restrain, by injunction, violations thereof; and without limitation, such Court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof and may issue such other orders for relief as may be equitable.

§ 121-22. Violations and penalties.

Whoever violates any of the provisions of this Part 1 shall be punished by a fine of not less than ten dollars (\$10.) nor more than five hundred dollars (\$500.). Each day during any portion of which a violation continues to exist shall constitute a separate offense.

**ARTICLE V
Appeals**

§ 121-23. Filing; decision.

- A. Any applicant aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the town is a member. The finding of the person or persons making such a review shall be filed with the Town Clerk within forty-five (45) days after the request and shall be binding on the applicant and the Commission unless a further appeal is sought in the Superior Court, as provided in the following Subsection.
- B. Any applicant aggrieved by a determination of the Commission or by the finding of a person or persons making a review may, within twenty (20) days after the filing of such determination with the Town Clerk, appeal to the Berkshire Superior Court sitting in equity. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission, or it may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive, but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or with malice in the matter for which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the Court that the appellant acted in bad faith or with malice in making the appeal to the court.

**ARTICLE VI
Amendments**

§ 121-24. Procedure to be followed.

This Part 1 creating the Ashley Falls Historic District may, from time to time, be amended in any manner not inconsistent with the provisions of the Historic District Act⁴ by a two-thirds vote of a Town Meeting, provided that the substance of such an amendment has first been submitted to the Historic District Commission having jurisdiction over such district for its recommendation and that its recommendation has been received or sixty (60) days have elapsed without such recommendation.

Ashley Falls Historic District Boundaries

The Ashley Falls Historic District shall be bounded as follows:

Beginning at a point in the north/east corner of the Sackett Cemetery on Clayton Road and proceed westerly on the southerly side of said Clayton Road to a point opposite the easterly line of the school property;

Thence northerly crossing Clayton Road and along the easterly line of said school property to the north/east corner of said property, thence westerly along the northerly line of said school property to the north/westerly corner, thence southerly

⁴Editor's Note: Chapter 40C of the Massachusetts General Laws.

along the westerly line of said school property and crossing said Clayton Road to a point in the southerly line of Clayton Road;

Thence westerly along the south side of Clayton Road crossing East Main Street and continuing westerly along the southerly side of School Street;

Thence crossing United States Route 7A to the southerly line of Schneck;

Thence westerly, southerly, westerly, southerly, westerly and northerly along line of Schneck;

Thence northerly and westerly along the easterly line of Dellert to the center line of the Housatonic River;

Thence northerly along center line of said Housatonic to a point opposite the south/easterly corner of Howden;

Thence westerly along the southerly line of said Howden and crossing Rannapo Road to a point in the westerly line of Rannapo Road;

Thence northerly along the westerly line of said Rannapo Road to the south/easterly corner of said Howden;

Thence westerly along the southerly line of said Howden to a point in the south/westerly corner of Howden;

Thence southerly along the westerly line now formerly of Feist and crossing Bull Hill Road to a point in the southerly line of said Bull Hill Road and the land of Hutzler;

Thence north/westerly along the southerly line of Bull Hill Road to the north/westerly corner of said Hutzler;

Thence southerly along the westerly line of Hutzler, crossing land of Frisch and continuing southerly along the westerly land of the Trustees of Reservations and crossing Cooper Hill Road;

Thence easterly along the southerly line of said Cooper Hill Road to the corner of the Trustees of Reservations;

Thence southerly, westerly and southerly along land of said Trustees to the Connecticut State line;

Thence easterly along the Connecticut State line to the Conklin;

Thence northerly, easterly, northerly and easterly along line of said Conklin;

Thence crossing Weatogue Road to a point in the easterly line of said Weatogue Road;

Thence south/easterly along the easterly line of said Weatogue Road to the Connecticut State line;

Thence easterly along said Connecticut State line to the center of the Housatonic River;

Thence north/westerly along the center line of said Housatonic River to the intersection of the Konkapot River;

Thence in a northerly and easterly direction along the center line of said Konkapot River to a point opposite the north/westerly corner of Welch;

Thence easterly along the northerly line of said Welch to the westerly line of Route 7A;

Thence north/westerly along the westerly line of Route 7A to the center line of the said Konkapot River;

Thence north/easterly along the center line of said Konkapot River and crossing the railroad right-of-way to a point opposite the easterly line of Ellis and westerly line of Dellert;

Thence northerly, westerly, northerly, easterly and northerly along land of said Dellert to the southerly line of Smith;

Thence easterly along the northerly line of Dellert to the south/easterly corner of the Sackett Cemetery;

Thence northerly along the easterly line of said cemetery to the point of beginning.

Chapter 126

HUNTING

§ 126-1. Permission of property owner required.

§ 126-2. Violations and penalties.

§ 126-3. Enforcement.

[HISTORY: Adopted by the Town of Sheffield 5-4-1992 Annual Town Meeting, Art. 32. Amendments noted where applicable.]

§ 126-1. Permission of property owner required.

No person shall hunt on any town-owned or private property in the Town of Sheffield without written permission of the owner of the land upon which hunting will take place. The written permission must be carried while hunting and be renewed on an annual basis.

§ 126-2. Violations and penalties.

The fine for the first offense will be one hundred dollars (\$100.). Second-time offenders will be fined a minimum of two hundred dollars (\$200.) and up to three hundred dollars (\$300.).

§ 126-3. Enforcement.

This chapter shall be enforced by all state and local enforcement officials and shall be administered by M.G.L.A. C. 40, § 21D, on a noncriminal disposition.

Chapter 132 LICENSES

ARTICLE I Licensing Board

§ 132-1. Board of Selectmen to be licensing board.

ARTICLE II Licenses and Permits of Delinquent Taxpayers

§ 132-2. Tax Collector to furnish list of delinquencies.

§ 132-3. Denial, revocation or suspension of license or permit; notice; hearing.

§ 132-4. Payment agreements.

§ 132-5. Waiver of denial, revocation or suspension.

§ 132-6. Exceptions.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-11-1981 Annual Town Meeting, Art. 36; Art. II, 11-19-1990 Special Town Meeting, Art. 3. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems -- See Ch. 59.

Excavations -- See Ch. 102.

Peddling and soliciting -- See Ch. 151.

Secondhand dealers -- See Ch. 162.

ARTICLE I Licensing Board

[Adopted 5-11-1981 ATM, Art. 36]

§ 132-1. Board of Selectmen to be licensing board.

The Board of Selectmen shall be the licensing board of the town for all purposes, except those for which other provision is made by general or special statutes.

ARTICLE II
Licenses and Permits of Delinquent Taxpayers
[Adopted 11-19-1990 STM, Art. 3]

§ 132-2. Tax Collector to furnish list of delinquencies.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve-month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 132-3. Denial, revocation or suspension of license or permit; notice; hearing.

- A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.
- B. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

§ 132-4. Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder is given notice and a hearing, as required by applicable provisions of law.

§ 132-5. Waiver of denial, revocation or suspension.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L.A. C. 268, § 1, in the business or activity conducted in or on said property.

§ 132-6. Exceptions.

This section shall not apply to the following licenses and permits: open burning, M.G.L.A. C. 48, § 13; bicycle permits, M.G.L.A. C. 85, § 11A; Sales of articles for charitable purposes, M.G.L.A. C. 101, § 33; children's work permits, M.G.L.A. C. 149, § 69; clubs or associations dispensing food or beverage licenses, M.G.L.A. C. 140, § 21E; dog licenses, M.G.L.A. C. 140, § 137; fishing, hunting or trapping licenses, M.G.L.A. C. 131, § 12; marriage licenses, M.G.L.A. C. 207, § 28; and theatrical events or public exhibition permits, M.G.L.A. C. 140, § 181.

Chapter 136

LITTERING

§ 136-1. Fine for littering; removal of refuse required.

§ 136-2. Failure to remove refuse.

§ 136-3. Effect of permission of landowner to deposit refuse.

§ 136-4. Exempted land.

§ 136-5. Enforcement.

§ 136-6. Severability.

[HISTORY: Adopted by the Town of Sheffield 5-8-1989 Annual Town Meeting, Art. 28. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous waste -- See Ch. 116.

Solid waste -- See Ch. 176.

§ 136-1. Fine for littering; removal of refuse required.

Whoever places, throws, deposits, discharges or causes to be placed, thrown, deposited or discharged any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other material of any kind (hereinafter called "refuse") on any public or private land shall be punished by a fine of three hundred dollars (\$300.), and the enforcement officer shall require, in addition thereto, that such person remove said refuse at his own expense.

§ 136-2. Failure to remove refuse.

Should such person not remove said refuse within fifteen (15) days of a notice of violation, the town shall cause said refuse to be removed and legally disposed of and the violator to be charged by the town for all costs incurred for such removal.

§ 136-3. Effect of permission of landowner to deposit refuse.

The permission of any landowner to place, throw, deposit or discharge refuse on such owner's land shall not nullify the effect of this chapter.

§ 136-4. Exempted land.

The provisions of this chapter shall not be applicable to any dumping ground approved under M.G.L.A. C. 111, § 150A, or by other appropriate public authority.

§ 136-5. Enforcement.

Violation of this chapter may be enforced in the manner provided in M.G.L.A. C. 40, § 21D. The enforcement agents shall be members of the Police Department.

§ 136-6. Severability.

This chapter and the various parts, sentences and clauses thereof are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby.

**Chapter 151
PEDDLING AND SOLICITING**

§ 151-1. License required.

§ 151-2. License fee.

§ 151-3. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-11-1981 Annual Town Meeting, Art. 39. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

Secondhand dealers -- See Ch. 162.

§ 151-1. License required.

No person shall act as a door-to-door hawker, peddler or transient vendor within the Town of Sheffield without having obtained a license for such purpose from the Board of Selectmen.

§ 151-2. License fee.

The license fee shall be twenty-five dollars (\$25.).

§ 151-3. Violations and penalties.

Upon the conviction of a violation of this chapter, a penalty for breach thereof may be imposed in an amount not to exceed two hundred dollars (\$200.) for each offense.

**Chapter 162
SECONDHAND DEALERS**

§ 162-1. License required.

§ 162-3. License fees.

§ 162-2. Revocation of license; term of license.

[HISTORY: Adopted by the Town of Sheffield 5-11-1981 Annual Town Meeting, Art. 38. Amended 5-3-1993 Annual Town Meeting.]

GENERAL REFERENCES

Licenses and permits of delinquent taxpayers -- See Ch. 132, Art. II.

Peddling and soliciting -- See Ch. 151.

§ 162-1. License required.

No person shall act as a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, secondhand articles or antiques without first obtaining a license from the Board of Selectmen.

§ 162-2. Revocation of license; term of license.

Said license shall be subject to revocation for just cause only by the Board and shall run from January 1 of each year and shall expire on December 31 of the following year.

§ 162-3. License fees.

Fees charged for such licenses shall be set by the Board of Selectmen, as provided by M.G.L.A. C. 140, § 202.

Chapter 168

SIGNS

ARTICLE I

Nonaccessory Signs

§ 168-1. Statutory authority; purpose.

§ 168-2. Signs prohibited; exceptions.

§ 168-3. Nonconforming signs.

§ 168-4. Definitions.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-12-1975 Annual Town Meeting, Art. 36. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning -- See Ch. 215.

§ 168-1. Statutory authority; purpose.

Pursuant to the authority conferred by M.G.L.A. C. 93, § 29, and every power and authority thereto pertaining, the Town of Sheffield adopts the following Article for the regulation and restriction of nonaccessory billboards, signs and other advertising devices within the town on public ways or on private property within public view of a public way, public park or reservation.

§ 168-2. Signs prohibited; exceptions.

No nonaccessory sign may be erected, with the following exceptions:

- A. Directional signs, not to exceed two (2) square feet in area, to homes, farms, points of interest or businesses located within the town.
- B. Directory signs, the size of which is to be determined on the basis of two (2) square feet per advertiser.
- C. Temporary signs for local, charitable or other public purposes.

§ 168-3. Nonconforming signs.

Any existing nonaccessory sign which does not conform to the provisions of this Article may be maintained until, but must be removed by, June 1, 1980; provided, however, that during said five-year period, no such sign shall be enlarged, redesigned or altered; and if any such sign shall be damaged or destroyed to the extent that the cost of restoration would exceed thirty-five percent (35%) of the cost of its replacement at the time of the damage, it shall not be approved for repair.

§ 168-4. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

NONACCESSORY SIGN -- One which does not advertise or indicate the person occupying the premises upon which the sign stands or the business transacted thereon.

Chapter 176

SOLID WASTE

ARTICLE I

Recycling

§ 176-1. Authorization of Board of Selectmen to adopt rules and regulations.

§ 176-2. Definitions.

§ 176-3. Violations and penalties.

§ 176-4. Repealer.

§ 176-5. Severability.

ARTICLE II

Transfer Station Use Fees

§ 176-6. Authority to assess; determination.

§ 176-7. Unpaid fees.

§ 176-8. Exemptions.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 5-9-1988 Annual Town Meeting, Art. 19; Art. II, 5-9-1988 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous materials -- See Ch. 116.

Littering -- See Ch. 136.

Junk vehicles -- See Ch. 203.

Water Supply Protection District -- See Ch. 215.

ARTICLE I

Recycling

[Adopted 5-9-1988 ATM, Art. 19]

§ 176-1. Authorization of Board of Selectmen to adopt rules and regulations.

The town, in order to recycle as much of the solid waste generated within the town as possible, authorizes the Selectmen to adopt rules and regulations to require everyone disposing of solid waste at a town facility to separate recyclable material from his or her solid waste and to dispose of such recyclable material in designated areas so that it may be recycled.

§ 176-2. Definitions.

For the purposes of this Article, the following terms shall have the meanings indicated:

RECYCLABLE -- Glass, paper and metal, as well as any other material that the Selectmen may determine can be recycled. The Selectmen shall have the authority to add, alter or delete items to be separated as markets for recycled goods change.

§ 176-3. Violations and penalties.

The Selectmen may set a fine not to exceed twenty-five dollars (\$25.) for each violation of this Article.

§ 176-4. Repealer.

All bylaws, rules, regulations or other documents inconsistent with the provisions of this Article are hereby repealed to the extent of such inconsistency.

§ 176-5. Severability.

This Article and the various parts, sentences and clauses thereof are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this Article shall not be affected thereby.

ARTICLE II
Transfer Station Use Fees
[Adopted 5-9-1988 ATM, Art. 20]

§ 176-6. Authority to assess; determination.

The Selectmen shall have the authority to assess an annual fee for solid waste disposal on every household, business, educational establishment and tax-exempt organization in the Town of Sheffield. Such fees shall be determined annually based upon the costs of solid waste disposal for the previous fiscal year, plus estimated changes in said costs for the coming fiscal year.

§ 176-7. Unpaid fees.

Fees unpaid after thirty (30) days shall be a lien to be imposed and enforced as provided in M.G.L.A. C. 40, § 58.

§ 176-8. Exemptions.

Exemptions from said fees shall be granted to anyone providing written proof that he is disposing of his solid waste in a legally approved solid waste facility not operated by or for the Town of Sheffield.

Chapter 181
STREETS AND SIDEWALKS

ARTICLE I
Driveways

§ 181-1. Abutters to construct and maintain; exceptions.

§ 181-2. Notification and approval required for construction.

[HISTORY: Adopted by the Town of Sheffield: Art. I, 3-1-1971 Annual Town Meeting, Art. 27. Amendments noted where applicable.]

§ 181-1. Abutters to construct and maintain; exceptions.

The abutters on any public way shall assume all costs and responsibility of construction and maintenance of driveways to their property, including culverts, surfacing, if deemed necessary, and construction to grade as designated in the field by the Superintendent of Streets, except when such construction or maintenance is necessitated by action of the town, state or other government agencies affecting the public way.

§ 181-2. Notification and approval required for construction.

The Selectmen are to be notified, and written approval is to be issued prior to any construction.

Chapter 187 PARKING

§ 187.1. Restricted Parking On All Streets

§ 187.2. Parking In Fire Lanes Prohibited

§ 187.3. Handicapped Parking Areas

[HISTORY: Adopted by the Town of Sheffield 5-1-2000 Annual Town Meeting, Art. 20. Amendments noted where applicable.]

§ 187.1. Restricted Parking On All Streets.

It shall be unlawful for the operator or owner of a motor vehicle to park on any street for a period longer than one hour between the hours of 1:00 am and 6:00 am, or at other times if streets are snow covered, from November 1st through April 1st inclusive. Any vehicle so parked may be removed at the owner's expense. Penalty for a violation shall be thirty five dollars (\$35.00) per offense enforceable under the provisions of Massachusetts General Laws Chapter 90, Section 20A.

§ 187.2. Parking In Fire Lanes Prohibited.

No vehicles shall be left unattended within the limits of private ways, ways in which the public has access or are invitees which furnishes a means of access for fire apparatus to a building. Vehicles so parked may be removed at the owner's expense. Penalty for a violation shall be fifty dollars (\$50.00) per offense enforceable under the provisions of Massachusetts General Laws Chapter 90, Section 20A. The selectmen upon the recommendation of the fire chief, shall designate "fire lanes" and the type of sign or markings to designate same.

§ 187.3. Handicapped Parking Areas

Parking in designated handicapped spaces shall be unlawful for unauthorized persons to park in places specified for handicapped parking, as defined in Massachusetts General Laws chapter 90, section 20, in the following areas: 1) public parking areas; 2) private parking areas. The fine for parking in designated handicapped areas is fifty dollars (\$50.00) enforceable under the provisions of Massachusetts General Laws chapter 90, section 20A.

Any vehicle parked in a designated handicapped parking space which does not have the proper distinguishing plates as required by Massachusetts General Laws Chapter 90, Section 2, or a permit issued by the Board of Selectmen, may be removed under the direction of a police officer. This section shall apply to both public and private parking areas.

Chapter 199 VEHICLES AND TRAFFIC

§ 199.1. Acceptance of state provisions; applicability on town roads.

[HISTORY: Adopted by the Town of Sheffield 5-14-1990 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

§ 199.1. Acceptance of state provisions; applicability on town roads.

The town establishes a bylaw regulating driving on town roads through the acceptance of the provisions of the Massachusetts Department of Public Works 720 CMR 9.00 regulating driving on state highways, for enforcement on town roads.¹

¹ Editor's Note: 720 CMR 9.00(5) provides a penalty as follows: "Any person convicted of a violation of any of the provisions of 760 CMR 9.09 shall be punished as provided in M.G.L. c.90 s.20A (Ter. Ed.). Any person convicted of a violation of any rule made hereunder shall be punished by a fine of not more than twenty dollars for each offense except that a person convicted of a violation of the provisions of 720 CMR 9.08(4)(a) through 9.08(4)(d) shall be punished by a fine of not more than five hundred dollars for each offense."

Chapter 203
VEHICLES, JUNK

§ 203-1. Exposure to open view prohibited.

§ 203-2. Time limit for removal; determination by Board of Selectmen.

§ 203-3. Violations and penalties.

§ 203-4. Enforcement.

[HISTORY: Adopted by the Town of Sheffield 3-6-1972 Annual Town Meeting, Art. 31. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste -- See Ch. 176.

§ 203-1. Exposure to open view prohibited.

No person shall keep or allow to stand exposed to open view from public ways or neighboring property on any premises unlicensed under M.G.L.A. C. 140, § 59, any abandoned, wrecked, junked or dilapidated motor vehicle and/or parts thereof.

§ 203-2. Time limit for removal; determination by Board of Selectmen. [Amended 5-8-1989 ATM, Art. 29; 5-6-1991 ATM, Art. 11]

Such motor vehicle and/or parts thereof must be effectively concealed or permanently removed from the premises within fourteen (14) days if a written complaint is received by the Board of Selectmen and said Selectmen, whose judgment shall be final, determine that the motor vehicle and/or parts thereof is or are abandoned, wrecked, junked or dilapidated and detrimental to the general appearance of the neighborhood.

§ 203-3. Violations and penalties. [Amended 5-8-1989 ATM, Art. 29; 5-4-1992 ATM, Art. 26]

Failure to comply with a concealment order or with a removal order of the Board of Selectmen under this chapter within the specified period shall be punishable by a fine of two hundred fifty dollars (\$250.), plus ten dollars (\$10.) for each such successive day of continuing violation.

§ 203-4. Enforcement. [Added 5-8-1989 ATM, Art. 29]

Compliance with this chapter will be enforced in the manner provided in M.G.L.A. C. 40, § 21D. The enforcement agents shall be members of the Police Department.

Chapter 210

WELLS

§ 210-1. Covering or filling required.

§ 210-2. Violations and penalties.

[HISTORY: Adopted by the Town of Sheffield 5-4-1992 Annual Town Meeting, Art. 23. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations -- See Ch. 102.

§ 210-1. Covering or filling required.

Every person owning or possessing land or having it under his control whereon is located an abandoned well or a well in use shall provide a covering for such well capable of sustaining a weight of three hundred (300) pounds or shall fill the same to the level of the ground.

§ 210-2. Violations and penalties.

Any person who shall violate this chapter shall be punished by a fine of not less than one hundred dollars (\$100.) and not more than five hundred dollars (\$500.) for each violation.

Chapter 215

ZONING

ARTICLE I

General Regulations

EXCEPT FOR PROVISIONS LISTED BELOW, ALL PREVIOUS PROVISIONS REPEALED MAY 23, 1994 – CURRENT ZONING BY-LAW IS PUBLISHED SEPARATELY

ARTICLE II

Flood Hazard Zone

[Added 5-13-1977 ATM, Art. 30]

§ 215-11. Applicability.

When an application is made for a building permit to construct, modify or rebuild a structure in a flood hazard area, the following conditions shall apply.

§ 215-12. Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

FLOOD HAZARD AREA -- Any area within the boundaries of the one-hundred-year flood as shown on the Floodplain Map prepared for the Federal Insurance Agency and on file in the Sheffield Town Clerk's office, which will become a part of this Article.

ONE-HUNDRED-YEAR FLOOD -- Refers to a hypothetical flood of such severity as can reasonably be expected every one hundred (100) years, and not any specific flood on record.

SUBSTANTIAL MODIFICATION OR REBUILDING -- Is considered to take place when the cost of such modification or rebuilding shall exceed one-half (1/2) the current cost of the structure.

§ 215-13. Construction not to affect flood levels in neighboring areas.

No construction or improvement will be allowed which will affect flood levels in neighboring areas.

§ 215-14. Requirements for dwelling units.

- A. No building designed or intended for use as a dwelling unit shall be constructed or moved into a flood hazard area. Existing structures substantially rebuilt must have their lowest floors, including basement, above the level of the one-hundred-year flood. Any constructed or existing structure substantially modified or rebuilt in the flood hazard area must:
- (1) Be protected against flood damage.
 - (2) Be designed or, in the case of an existing structure, be modified and anchored to prevent flotation, collapse or lateral movement of the structure.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
 - (4) Use construction methods and practices that will minimize flood damage.
 - (5) Have its lowest floor, including basement, above the one-hundred-year flood level.
 - (6) Have its utilities and sanitary facilities floodproofed to the one-hundred-year flood level.
- B. Approval of building permits for construction, modification or rebuilding in flood hazard areas shall be granted only upon certification by the Sheffield Building Inspector that all the above requirements have been met.

§ 215-15. Subdivision proposals.

In the case of subdivision proposals where all or part of the subdivision lies in the flood hazard area, all the above shall apply, and the subdivider shall provide assurance that:

- A. The subdivision layout is consistent with the need to minimize flood damage.
- B. Utilities are located and constructed to minimize flood damage.
- C. Adequate drainage is provided to reduce flood hazards.

§ 215-16. Water supply and sewage systems.

New and replacement water supply systems and sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into the floodwaters. On-site disposal systems must be located so as to avoid impairment of them or contamination from them during flooding. Design of such systems must be certified by the Board of Health at the time of the approval of the building permit.

§ 215-17. Requirements to be additional to those in effect.

It shall be understood that all provisions of existing regulations shall remain in force in flood hazard areas and that these requirements are in addition to those now in force.

§ 215-18. Changes to flood level or floodplain.

No use, including landfill, shall be allowed which measurably increases the water surface elevation of the one-hundred-year flood. Where fill is required for elevation of a structure above the level of the one-hundred-year flood in compliance with the above, such fill must be taken from an adjacent area of the floodplain. Any use which may affect the integrity of the floodplain or the level of the one-hundred-year flood must have the approval of the Sheffield Conservation Commission.

ARTICLE III
Water Supply Protection District
[Added 8-19-1991 STM, Art. 3]

§ 215-19. Purpose.

The purpose of the Water Supply Protection District is to promote the health, safety and welfare of the residents of Sheffield by preserving the groundwater and surface water resources of the town by protecting the community from any structure or land use which may reduce the quantity or quality of its water supply resources.

§ 215-20. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AQUIFER -- A geologic formation composed of rock or sand and gravel that contains significant amounts of potentially

recoverable potable water.

GROUNDWATER -- All water found beneath the surface of the ground.

HAZARDOUS WASTE -- A waste which is injurious to human health or the environment. "Hazardous wastes" are defined by the United States Environmental Protection Agency under CFR 250 and the Regulations of the Massachusetts Hazardous Waste Management Act, Chapter 21C of the Massachusetts General Laws.

IMPERVIOUS SURFACE -- Materials or structures on or above the ground that do not allow precipitation to infiltrate directly to the underlying soil. This includes, but is not limited to, plastics, concrete and asphalt.

INTERIM ZONE II -- All lands within a one-half-mile radius of any wellhead owned by the Sheffield Water Company as delineated on the map entitled "Water Supply Protection Districts -- Town of Sheffield," on file with the Town Clerk.

LEACHABLE WASTES -- Waste materials, including solid wastes, sludges and pesticide and fertilizer wastes capable of releasing waterborne contaminants to the environment.

TOXIC OR HAZARDOUS MATERIALS -- Any substance or mixture of such physical, chemical or infectious characteristics that could pose a significant, actual or potential hazard to water supplies or other hazard to human health if it were discharged onto the land or into the waters of the town. "Toxic or hazardous materials" include, but are not limited to; organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids; and alkalis; and include such products as pesticides, solvents and thinners.

WATERSHED -- Lands lying adjacent to watercourses, surface water bodies and springs which create the catchment or drainage areas of such courses, bodies and springs.

§ 215-21. Scope.

The Water Supply Protection Districts are overlay districts and shall be superimposed on all other districts established by this chapter, with the exception of any lands within a VBC or VB District, which are specifically exempt from the provisions of this section. All regulations of the Town of Sheffield's zoning chapter applicable to such districts shall remain in effect, except that where the Water Supply Protection District imposes additional regulations, such regulations shall prevail.

§ 215-22. District boundaries.

- A. The Water Supply Protection Districts are herein established to include all lands classified as "Interim Zone II"; and other lands designated within the Soda Creek watershed. The map entitled "Water Supply Protection Districts -- Town of Sheffield," on file with the Town Clerk, delineates the boundaries of the districts.
- B. Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the town may engage a professional hydrogeologist to determine more accurately the location and extent of a watershed or Interim Zone II boundary and may charge the owner(s) for all or part of the cost of the investigation.

§ 215-23. Prohibited uses.

The following uses are prohibited within the Water Supply Protection District:

- A. Business and industrial uses, not agricultural, which manufacture, use, process, store or dispose of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, autobody repair and photo processing.
- B. Facilities that generate, treat, store or dispose of hazardous wastes that are subject to Chapter 21C of the Massachusetts General Laws and CMR 30.00, excluding very small quantity generators, as defined by 310 CMR 30.00.
- C. Commercial use which involves toxic or hazardous materials, including but not limited to trucking or busing terminals; car or truck washes; gasoline or fuel oil sales; motor vehicle service and repair shops; golf courses; and slaughterhouses.
- D. Solid waste landfills, dumps, junk- and salvage yards, including automobile graveyards.
- E. Business and industrial uses, not agricultural, which involve the on-site disposal of process wastes from operations.
- F. The disposal of liquid or leachable wastes, except for residential subsurface waste disposal systems, normal agricultural operations and business or industrial uses which involve the on-site disposal of wastes from personal hygiene and food preparation for patrons and employees.
- G. The underground storage and/or transmission of petroleum products, excluding liquefied petroleum gas, unless all requirements for secondary containment specified in 310 CMR 30.693 are met.

- H. The outdoor storage of salt, deicing materials, pesticides or herbicides.
- I. The use of septic system cleaners which contain toxic chemicals, including but not limited to methylene chloride and 1-1-1 trichlorethane.
- J. The landfilling or storage of sludge or septage.
- K. The dumping and disposal of snow and ice removed from outside the Water Supply Protection District that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.
- L. The rendering impervious of more than twenty percent (20%) of the area of any lot.

§ 215-24. Conditional uses.

- A. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than five (5) feet above the annual high groundwater table. A monitoring well shall be installed by the property owner to verify groundwater elevations. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
- B. The use of sodium chloride for ice control shall be minimized but consistent with public highway safety requirements.
- C. The following uses are conditional uses within the Water Supply Protection District:
 - (1) The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow, unless such storage is within a structure designed to prevent generation and escape of contaminated runoff or leachate.
 - (2) The storage of commercial fertilizers, pesticides, herbicides or soil conditioners, as defined in M.G.L.A. C. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
 - (3) The storage of animal manures, unless such storage is covered and contained in accordance with the specifications of the United States Soil Conservation Service.
 - (4) The storage of liquid hazardous materials, as defined in Chapter 21E of the Massachusetts General Laws unless such storage is either in a freestanding container within a building or in a freestanding container above ground level with protection adequate to contain a spill the size of the container's total storage capacity.
 - (5) The storage of liquid petroleum products of any kind, except those incidental to any normal household use or for the on-site heating of a structure.

§ 215-25. Minimum lot size.

All uses, whether provided with an off-premises water supply or not, shall require a minimum lot size of not less than two (2) acres [eighty-seven thousand one hundred twenty (87,120) square feet].

§ 215-26. Drainage.

All runoff from impervious surfaces shall be recharged on the site by being diverted toward areas covered by vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. All recharge areas and equipment shall be permanently maintained in full working order by the owner.